IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 6989 of 2004

Between:

1 Viswanarayana Junior College, Adoni, rep.by its Secretary &

Correspondent.
2 Balaji Junior College, Adoni, rep.by its Correspondent.
3 Sai Educational society, Adoni, rep.by its Secretary &

Correspondent.
4 Dr.Jyothirmayi Junior College, rep.by its Secretary and

Correspondent.

..... PETITIONERS

AND

1 Board of Intermediate Education,A.P.,Hyderabad rep.by its

Commissioner and Secretary.
2 The Regional Inspection officer, Board of Intermediate

Education, Kurnool.
3 The Prl.Secretary, Higher Education, Govt. of A.P.,

Secretariat Buildings, Hyderabad.
4 Pratibha Educational Society, D.No.21/139-5, Near

Mehaboobia Theatre, Adoni, Kurnool District,

Rep.by its Secretary and Correspondent.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly in the nature of writ of Mandamus declaring the action of the first respondent in accepting the application of the fourth

respondent based on the report of the second respondent to start a private unaided Junior College in the name of the Prahlad Junior College Adoni as illegal, arbitrary and against the provisions of the A.P.Education Act and the Rules framed there under, after calling for the records and consequentially direct the first respondent not to grant any permission to the fourth respondent to start private unaided Junior College in the name of the Prahlad Junior College, Adoni.

Counsel for the Petitioners : MR. P.V.S.S.S.RAMA RAO

Counsel for Respondent No.1 & 2 : Mr. S.S. Prasad.

Counsel for Respondent No.3 : G.P. for Higher Education.

Counsel for Respondent No.4 : Mr. K.Rathanga Pani Reddy

The Court made the following :

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O R D E R :

The petitioners are recognized Junior Colleges in Adoni Town of Kurnool District. Alleging that fourth respondent College was provisionally permitted by first respondent to establish a new Junior College and further alleging that the representation
dated 28-8-2003 made to third respondent remains undisposed of; they filed the present writ petition seeking a direction to first respondent not to grant any permission to fourth respondent to start a Private Un-aided Junior College. Along with the writ petition, the petitioners also filed W.P.M.P.No.9084 of 2004 praying for interim relief directing first and third respondent to dispose of the representation dated 28-8-2003.

After receiving the notices, first respondent has filed a counter affidavit stating that as Notification under Section 20 of the Andhra Pradesh Education Act,1982 (for short 'the Act') was not issued, but having regard to the fact that there are 433 surplus SSC pass outs, it was thought fit to consider the application made by fourth

respondent. It is also submitted that fourth respondent has not established any Junior College and that the representation forwarded by the Government of Andhra Pradesh to first respondent was forwarded to second respondent for further enquiry. In that view of the matter, though the matter is coming up at interlocutory stage, with the consent of the parties, the writ petition itself was heard finally and is being disposed of with the following order.

The writ petition is disposed of directing second respondent to complete the enquiry into the representation dated 28-8-2003 and submit a report to first respondent, within a period of three weeks from the date of receipt of a copy of this order. After receiving the report of second respondent, first respondent may take appropriate action in accordance with law. No costs.

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(V.V.S. RAO, J.)

Dt.01-09-2004.

Msr.

To

1 The Commissioner and Secretary, Board of Intermediate

Education, A.P.,Hyderabad.

2 The Regional Inspection officer, Board of Intermediate

Education, Kurnool.

3 The Prl.Secretary to Government of A.P., Higher Education Dept.,

Secretariat Buildings, Hyderabad.

4. 2CCs to Government Pleader for Higher Education,

High Court of A.P., Hyderabad.(OUT)

5. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6989 of 2004

Dt.01-09-2004.

(Msr)